

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CHRISTOPHER JOHN JURCAGO,	:	CASE NO. 5:23-cv-01187
Plaintiff,	:	OPINION & ORDER
	:	[Resolving Doc. 1]
vs.	:	
COMMISSIONER OF SOCIAL	:	
SECURITY ADMINISTRATION,	:	
Defendant.	:	

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Christopher John Jurcago seeks judicial review of the Social Security Administration Commissioner's final decision denying his application for Disability Insurance Benefits ("DIB").<sup>1</sup>

On May 2, 2024, Magistrate Judge Jennifer Dowell Armstrong issued a Report and Recommendation ("R&R") recommending that the Court vacate and remand the Commissioner's final decision for further proceedings.<sup>2</sup> Magistrate Judge Armstrong found that the ALJ did not properly evaluate Plaintiff Jurcago's diabetes with peripheral neuropathy at Step Three of the disability evaluation process.<sup>3</sup> Magistrate Judge Armstrong recommended that Jurcago's case be remanded in order to provide the ALJ an opportunity to properly evaluate evidence of Jurcago's diabetes with peripheral neuropathy.<sup>4</sup>

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<sup>1</sup> Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 6, 8.

<sup>2</sup> Doc. 9.

<sup>3</sup> *Id.* at PageID #: 1874.

<sup>4</sup> *Id.* at PageID #: 1888.

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Judge Armstrong ordered that objections to the R&R were due by May 16, 2024.<sup>5</sup>

Neither party objected to the R&R.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.<sup>6</sup> Absent objection, district courts may adopt an R&R without review.<sup>7</sup> Defendant did not object to the R&R, and this Court may adopt Magistrate Judge Armstrong's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Armstrong's R&R. The Court **VACATES** and **REMANDS** the Commissioner's final decision for further proceedings consistent with this Order.

IT IS SO ORDERED.

Dated: May 30, 2024

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> *Id.* at PageID #: 1889.

<sup>6</sup> 28 U.S.C. § 636(b)(1).

<sup>7</sup> *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).